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Bruce Cooper (BC 2764)  
Jane Lauer Barker (JB 5436)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HORIZON HEALTHCARE SERVICES, INC.,	:	Case No. 08 CV 4428 (LTS) (RLE)
HORIZON HEALTHCARE OF NEW YORK,	:	
INC. and RAYANT INSURANCE COMPANY	:	<b>NOTICE OF MOTION TO</b>
OF NEW YORK f/k/a HORIZON	:	<b>DISMISS COMPLAINT</b>
HEALTHCARE INSURANCE COMPANY OF	:	
NEW YORK,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	
	:	
LOCAL 272 LABOR MANAGEMENT	:	
WELFARE FUND,	:	
	:	
Defendant.	:	
-----	X	

PLEASE TAKE NOTICE that, upon the annexed Declaration of Jane Lauer Barker, dated June 19, 2008, the exhibits annexed thereto, the accompanying memorandum of law, and upon all prior proceedings had heretofore herein, defendant Local 272 Welfare Fund, sued herein as Local 272 Labor Management Welfare Fund, by its undersigned counsel, will move this Court before the Honorable Laura Taylor Swain, United States District Judge, 500 Pearl Street, New York, New York, as such date and time as the Court shall determine, for an Order granting defendant's motion to dismiss the complaint pursuant to Fed. R. Civ. P. Rule 12(b)(6) and (7), and for such other and further relief as to the Court seems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Section 2.B of the Individual Practices Rules of Judge Laura Taylor Swain, the parties have used their best efforts to resolve informally the matters in controversy, including by an exchange of letters outlining their respective legal and factual positions and a telephonic discussion of the matters.

Dated: New York, New York  
June 26, 2008

PITTA & DREIER LLP  
*Attorneys for Defendant*

By: 

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